



House of Representatives

General Assembly

File No. 256

January Session, 2017

Substitute House Bill No. 6334

House of Representatives, March 28, 2017

The Committee on Environment reported through REP. DEMICCO of the 21st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REQUIRING THE REGISTRATION OF ANIMAL SHELTERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-344 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 (a) (1) No person shall maintain a commercial kennel until he has
4 obtained from the commissioner a license to maintain such kennel
5 under such regulations as the commissioner provides as to sanitation,
6 disease and humane treatment of dogs or cats and the protection of the
7 public safety. Upon written application and the payment of a fee of
8 four hundred dollars, the commissioner shall issue such license to be
9 effective until the second December thirty-first following issuance
10 provided the commissioner finds (A) that such regulations have been
11 complied with, and (B) in the case of each initial application for such
12 license, that the zoning enforcement official of the municipality
13 wherein such kennel is to be maintained has certified that the kennel
14 conforms to the municipal zoning regulations. Such license shall be
15 renewed biennially, not later than December thirty-first, in accordance

16 with the provisions of this section, and may be transferred by the
17 licensee to another premises upon approval of the commissioner.

18 (2) Any person who maintains a commercial kennel and who
19 advertises the services of such commercial kennel shall cause the
20 license number for such commercial kennel, as issued pursuant to this
21 section, to clearly appear in such advertisement. The commissioner
22 may adopt regulations, in accordance with chapter 54, to prescribe the
23 requirements for the appearance of the license number of a commercial
24 kennel in any form of advertisement. Such regulation may include, but
25 need not be limited to, the size, font and location of such license
26 number for any given form of advertisement.

27 (b) No person shall maintain a pet shop until he has obtained from
28 the commissioner a license to maintain such pet shop under such
29 regulations as the commissioner provides as to sanitation, disease and
30 humane treatment of animals and the protection of the public safety.
31 Upon written application and the payment of a fee of four hundred
32 dollars, the commissioner shall issue such license to be effective until
33 the second December thirty-first following issuance provided the
34 commissioner finds (1) that such regulations have been complied with,
35 and (2) in the case of each initial application for such license, that the
36 zoning enforcement official of the municipality wherein such pet shop
37 is to be maintained has certified that the pet shop conforms to the
38 municipal zoning regulations. Application for renewal of such license
39 shall be made biennially by not later than the second December thirty-
40 first following issuance. Such pet shop license may be transferred by
41 the licensee to another premises upon the approval of the
42 commissioner. The commissioner, after consultation with the
43 Commissioners of Public Health and Energy and Environmental
44 Protection, shall establish and maintain, pursuant to regulations
45 adopted in accordance with chapter 54, a list of animals which are
46 deemed to be injurious to the health and safety of the public or whose
47 maintenance in captivity is detrimental to the health and safety of the
48 animal. The sale or offer of sale of any animal which is on said list is
49 prohibited and any person who violates this provision shall be fined

50 not more than five hundred dollars.

51 (c) No person shall engage in the business of grooming or
52 maintaining a grooming facility until such person has obtained from
53 the commissioner a license to maintain such facility under such
54 regulations as the commissioner provides as to sanitation, disease and
55 humane treatment of such animals and the protection of the public
56 safety. Upon written application and the payment of a fee of two
57 hundred dollars, the commissioner shall issue such license to be
58 effective until the second December thirty-first following issuance
59 provided the commissioner finds (1) that such regulations have been
60 complied with, and (2) in the case of each initial application for such
61 license, that the zoning enforcement official of the municipality
62 wherein such grooming is to be maintained has certified that the
63 facility conforms to the municipal zoning regulations. Such license
64 shall be renewed biennially, not later than the second December thirty-
65 first following issuance, in accordance with the provisions of this
66 section, and may be transferred by the licensee to other premises upon
67 approval of the commissioner.

68 (d) No person shall maintain a training facility until such person has
69 obtained from the commissioner a license to maintain such facility
70 under such regulations as the commissioner provides as to sanitation,
71 disease and humane treatment of such animals and the protection of
72 public safety. Upon written application and the payment of a fee of
73 two hundred dollars, the commissioner shall issue such license to be
74 effective until the second December thirty-first following issuance
75 provided the commissioner finds (1) that such regulations have been
76 complied with, and (2) in the case of each initial application for such
77 license, that the zoning enforcement official of the municipality
78 wherein such training facility is to be maintained has certified that the
79 facility conforms to the municipal zoning regulations. Such license
80 shall be renewed biennially not later than the second December thirty-
81 first following issuance upon the terms required for the original license
82 and may be transferred by the licensee to another premises upon
83 approval of the commissioner.

84 (e) (1) No animal importer shall import any dog or cat into this state
85 until such person registers as an animal importer with the
86 commissioner. Such registration shall be on a form as prescribed by the
87 commissioner. Such registration shall require the submission of the
88 following information: (A) The name, mailing address, business
89 address, telephone number and Internet address of such registrant, (B)
90 if such registrant is domiciled out-of-state, the name, Connecticut
91 address and phone number of a Connecticut-based agent for service of
92 process, and (C) the number of animals brought into the state during
93 the prior year by such animal importer and the state or country of
94 origin for each such animal. Such registration shall be accompanied by
95 payment of a fee of two hundred dollars and shall be valid until the
96 second December thirty-first following such registration. Such
97 registration shall be renewed biennially not later than the second
98 December thirty-first following issuance, in accordance with the
99 provisions of this subsection, provided the commissioner determines
100 that such registrant complies with any requirements provided by the
101 commissioner as to the health, safety and humane treatment of animals
102 that is applicable to animal importers. Such registration shall not be
103 required for any employee or volunteer of a registered animal
104 importer or other person who is required to be licensed pursuant to the
105 provisions of this chapter, provided such employee, volunteer or other
106 person is not otherwise an animal importer. Any person who violates
107 the provisions of this subdivision shall be fined not more than five
108 hundred dollars.

109 (2) Any animal importer who intends to offer for sale, adoption or
110 transfer any dog or cat at a venue or location that is open to the public
111 or at an outdoor location, including, but not limited to, a parking lot or
112 shopping center, shall provide notice to the Department of Agriculture
113 and the municipal zoning enforcement officer of the town where any
114 such sale, adoption or transfer will occur, not later than ten days prior
115 to such event. Such notice shall state the date for such sale, adoption or
116 transfer event, the exact location of such event and the anticipated
117 number of animals for sale, adoption or transfer at such event. Any
118 person who fails to provide notice as required pursuant to this

119 subdivision shall be fined not more than one hundred dollars per
120 animal that is offered for sale, adoption or transfer at such event.

121 (3) For the purpose of this subsection, "animal importer" means a
122 person who brings any dog or cat into this state from any other
123 sovereign entity for the purpose of offering such dog or cat to any
124 person for sale, adoption or transfer in exchange for any fee, sale,
125 voluntary contribution, service or any other consideration. "Animal
126 importer" includes any commercial or nonprofit animal rescue or
127 adoption, humane relocation or delivery organization that is not
128 otherwise required to be licensed under the provisions of this chapter.

129 (4) The provisions of this subsection shall not be construed to apply
130 to any animal importer who offers a dog or cat for sale to a pet shop
131 that is licensed in accordance with the provisions of subsection (b) of
132 this section, provided such animal is delivered directly to a pet shop.

133 (5) The Commissioner of Agriculture may inspect any animal
134 imported by an animal importer or any record required to be kept by
135 such animal importer, provided such inspection shall not authorize the
136 entry of the commissioner into the residence of such animal importer.

137 (6) Not later than December 31, 2013, the Commissioner of
138 Agriculture shall prescribe the conditions that constitute the humane
139 treatment of animals that are applicable to animal importers. Such
140 conditions shall include, but not be limited to, the appropriate shelter,
141 availability of food and water and standard of care to be provided by
142 an animal importer to such animals.

143 (f) No person shall operate or maintain an animal shelter until he or
144 she registers such animal shelter with the commissioner to operate and
145 maintain such animal shelter under such regulations as the
146 commissioner provides as to sanitation, disease and humane treatment
147 of dogs or cats and the protection of the public safety. Upon written
148 application and payment of a fee of fifty dollars to offset
149 administrative costs of such registrations, the commissioner shall issue
150 such registration to be effective until the second December thirty-first

151 following issuance provided the commissioner finds (A) that such
152 regulations have been complied with, and (B) in the case of each initial
153 application for such registration, that the zoning enforcement official
154 of the municipality wherein such animal shelter is to be operated or
155 maintained has certified that the animal shelter conforms to the
156 municipal zoning regulations. Such registration shall be renewed
157 biennially, not later than December thirty-first, in accordance with the
158 provisions of this section, and may be transferred by the registrant to
159 another premises upon approval of the commissioner. For purposes of
160 this subsection, "animal shelter" means any private entity that operates
161 a building or facility that is used solely to house homeless animals for
162 the purpose of rescue or adoption and that is not operated within a
163 private residence.

164 [(f)] (g) The commissioner may, at any time, inspect or cause to be
165 inspected by the commissioner's agents any such commercial kennel,
166 animal shelter, pet shop, grooming facility or training facility, and if,
167 (1) in the commissioner's judgment such kennel, shelter, pet shop,
168 grooming facility or training facility is not being maintained in a
169 sanitary and humane manner or in a manner that protects the public
170 safety, (2) the commissioner finds that contagious, infectious or
171 communicable disease or other unsatisfactory conditions exist, or (3) in
172 the case of a pet shop, the commissioner finds any violation of the
173 provisions of section 22a-381d, the commissioner may issue a fine to
174 such commercial kennel, shelter, pet shop, grooming facility or
175 training facility of not more than five hundred dollars for each animal
176 that is the subject of such violation, may issue such orders as the
177 commissioner deems necessary for the correction of such conditions
178 and may quarantine the premises and animals. If the owner or keeper
179 of such kennel, shelter, pet shop, grooming facility or training facility
180 fails to comply with the regulations or orders of the commissioner, or
181 fails to comply with any provision of the statutes or regulations
182 relating to dogs or other animals, the commissioner may revoke or
183 suspend such license or registration, as applicable. Any person
184 aggrieved by any order issued under the provisions of this section may
185 appeal therefrom in accordance with the provisions of section 4-183.

186 Any person maintaining any commercial kennel, animal shelter, pet
 187 shop, grooming facility or training facility without having obtained a
 188 license or registration for the same, as applicable or after any such
 189 license or registration has been revoked or suspended as provided
 190 herein shall be fined not more than two hundred dollars. The
 191 provisions of this section shall not apply to veterinary hospitals, except
 192 those boarding or grooming dogs for nonmedical purposes, and other
 193 establishments where all the dogs or animals were born and raised on
 194 the premises where they are kept for sale.

195 [(g)] (h) The provisions of subsections (a) to (d), inclusive, of this
 196 section requiring certification by the zoning enforcement official that
 197 every commercial kennel, pet shop, grooming facility and training
 198 facility conforms to the zoning regulations of the municipality wherein
 199 such kennel, pet shop, grooming facility or training facility is
 200 maintained shall not apply to any person who is licensed under said
 201 subsections and maintained any such kennel, pet shop or grooming
 202 facility prior to October 1, 1977, provided such person does not
 203 relocate such kennel, pet shop, grooming facility or training facility in
 204 a zone in which such kennel, pet shop, grooming facility or training
 205 facility is not a permitted use. In addition, the provisions of said
 206 subsections and subsection (f) requiring certification by the zoning
 207 enforcement official that every commercial kennel, animal shelter, pet
 208 shop, grooming facility and training facility conforms to the zoning
 209 regulations of the municipality wherein such kennel, shelter, pet shop,
 210 grooming facility or training facility is maintained shall not apply
 211 when a zone in which such kennel, shelter, pet shop, grooming facility
 212 or training facility is maintained is changed to a use which does not
 213 permit such kennel, shelter, pet shop, grooming facility or training
 214 facility in such zone.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2017	22-344

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
Department of Agriculture	GF - Revenue Gain	Less than 50,000	Less than 50,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes several changes to existing law concerning privately-operated animal shelters.

Specifically, it results in a revenue gain expected to be less than \$50,000 annually based on the number of shelter registrations and violations that occur.

The bill also requires anyone operating or maintaining an animal shelter to register with DoAg and pay an application fee of \$50 under certain conditions. Anyone operating a shelter without a valid registration is subject to a fine of up to \$200.

Additionally, the bill authorizes DoAg to inspect animal shelters and allows fines of up to \$500 for each affected animal under certain unsatisfactory conditions. This provision may result in potential revenue from new fines. It is not known at this point how many fines will result from animal shelter inspections and violations.

The Out Years

The annualized ongoing fiscal impact identified above would

continue into the future subject to the number of shelter registrations and fines.

OLR Bill Analysis**sHB 6334*****AN ACT REQUIRING THE REGISTRATION OF ANIMAL SHELTERS.*****SUMMARY**

This bill requires a person who wants to operate or maintain an animal shelter in Connecticut to register with the Department of Agriculture (DoAg) commissioner and comply with regulations he issues as to sanitation, disease, humane treatment of cats and dogs, and public safety protection. Under the bill, an “animal shelter” is a private entity operating a building or facility that is not within a private residence and that is used solely to house homeless animals for rescue or adoption.

Under the bill, DoAg must issue a registration to an applicant upon application and payment of a \$50 fee if the applicant complies with applicable state regulations and, for an initial registration, municipal zoning requirements. A registration is effective until the second December 31 following issuance, may be renewed biennially by December 31, and may be transferred to another premises with the commissioner’s approval.

The bill authorizes the commissioner, or his agent, to inspect an animal shelter at any time. If, in his judgement, the shelter is not being maintained in a sanitary and humane manner that protects public safety, or if he finds that contagious, infectious, or communicable disease or other unsatisfactory conditions exist, he may (1) fine the shelter up to \$500 for each affected animal, (2) issue orders necessary to correct the conditions, and (3) quarantine the premises and animals.

Under the bill, if a shelter fails to comply with the commissioner’s regulations or orders or any state law relating to animals, the

commissioner may revoke or suspend its registration. Anyone aggrieved by a commissioner's order may appeal to Superior Court. Anyone operating a shelter without a valid registration is subject to a fine of up to \$200.

Existing law establishes similar requirements and penalties for commercial kennels, pet shops, groomers, and animal training facilities.

EFFECTIVE DATE: October 1, 2017

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 29 Nay 0 (03/10/2017)